

Attorney:  
MICHAEL FAILLACE  
MICHAEL FAILLACE & ASSOCIATES  
60 EAST 42ND STREET SUITE 4510  
NEW YORK NY 10165



UNITED STATES DISTRICT COURT-SOUTHERN DISTRICT  
OF NEW YORK

ORLANDO MINO HERNANDEZ, ET AL  
Plaintiff

LIRA OF NEW YORK INC D/B/A LUKE'S BAR & GRILL, ET AL  
Defendant

Index / case #: 1:20-CV-04457

# AFFIDAVIT OF SERVICE

Kings County, State of: New York Elijah White being sworn,  
says: Deponent is not a party herein, is over the age of 18 years and resides in the State of: NY

On 9/13/21 at 8:34 am/pm at: 1394 3RD AVENUE NEW YORK NY 10075

Deponent served the within: AMENDED SUMMONS & FIRST AMENDED COMPLAINT

On which were set forth the Index No., herein, and date of filing

On: **LUIGI LUSARDI**  
(herein after called the recipient) therein named.

☐ Individual By delivering a true copy of each to said recipient personally; Deponent knew the person so served to be the person described in as said recipient therein

☒ Suitable Age person By delivering thereat a true copy of each to: Diana Staley  
a person of suitable age and discretion. Said premises is recipients [ ] Actual Place of Residence  
[x] Actual Place of Business within the State.

☐ Affixing to Door By affixing a true copy of each to the door of said premises which is recipients [ ] Actual Place of Residence  
[ ] Actual Place of Business, within the State  
Deponent was unable with due diligence to find recipient or person of suitable age and discretion thereat having called there

☐ Corporation or Partnership By delivering thereat a true copy of each to:  
personally. Deponent knew said corporation / partnership so served to be the corporation / partnership described in said  
aforementioned document as said recipient and knew said individual to be thereof.

☒ Mailing Within 20 days of such delivery, or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed  
to recipient at recipients last known [ ] Actual Place of Residence [x] Actual Place of Business  
at 1394 3rd Avenue New York NY 10075  
and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within  
New York State. The envelope bore the legend "personal and confidential" and did not indicate on the outside, thereof  
by return address or otherwise that the communication was from an attorney or concerned an action against the defendant.

<input checked="" type="checkbox"/> Description	[ ] Male	<input checked="" type="checkbox"/> White skin	[ ] Black hair	[ ] 14-20 Yrs	[ ] Under 5'	[ ] Under 100 Lbs
	<input checked="" type="checkbox"/> Female	[ ] Black skin	<input checked="" type="checkbox"/> Brown hair	<input checked="" type="checkbox"/> 21-35 Yrs	[ ] 5'0"-5'3"	[ ] 100-130 Lbs
		[ ] Yellow skin	[ ] Gray hair	[ ] 36-50 Yrs	[ ] 5'4"-5'8"	<input checked="" type="checkbox"/> 131-160 Lbs
		[ ] Brown skin	[ ] Blonde hair	[ ] 51-65 Yrs	<input checked="" type="checkbox"/> 5'9"-6'0"	[ ] 161-200 Lbs
		[ ] Red skin	[ ] Red hair	[ ] Over 65 Yrs	[ ] Over 6'	[ ] Over 200 Lbs

Other Identifying Features

☒ Military Service I asked the person spoken to whether recipient was in active military service of the United States or the State of  
New York in any capacity whatever and received a negative reply. The source of my information and the grounds of my belief  
are the conversations and observations above narrated.

☐ Subpoena Fee Tendered in the amount of

Sworn to before me on 9/22/2021

Elijah White  
(Print name below signature)

Elijah White 2093436

TAMARA TOWSHIN ALAM  
NOTARY PUBLIC, STATE OF NEW YORK  
File No. 1:20-CV-04457  
Registration No. 01AL6369961  
Qualified in Kings County  
My Commission Expires: 01/22/22

Work Order No. 548278  
SLS Process Serrling Co. LLC-2094823  
90 State St, Albany NY 12207

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

ORLANDO MINO HERNANDEZ et al.

*Plaintiff(s)*

v.

LIRA OF NEW YORK INC. (D/B/A LUKE'S BAR &  
GRILL), LUIGI MILITELO, TOMMY TIN, JONATHAN  
MATEOS, and LUIGI LUSARDI

*Defendant(s)*

Civil Action No. 20-cv-04457-RA

AMENDED SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Luigi Lusardi  
1394 3rd Ave  
New York, NY 10075

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Michael A. Faillace  
MICHAEL FAILLACE & ASSOCIATES, P.C.  
60 East 42nd Street, Suite 4510  
New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 07/09/2021



s/ G. Pisarczyk

*Signature of Clerk or Deputy Clerk*